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REMARKS**Response to Claim Rejections Under 35 U.S.C. §102**

Claims 17-23, 25, 27, 30, 32, and 48-58 were rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by Patterson et al. (U.S. Pat. No. 5,941,869). In response applicants have amended claims 17 and 40 to require a tissue cutting member on the distal end of the shaft to facilitate penetration through tissue to the target biopsy site. Patterson et al. fails to teach such a feature. Applicants have also amended claims 30, 48, 50, 52, 53, 54 and 55 to require the encapsulating member(s) to rotate about the isolated specimen in order to encapsulate the specimen.

Patterson teaches neither of these features. The Patterson device is advanced over a guide wire to the location from which tissue is to be removed, so it does not have a tissue cutting surface on the distal end to facilitate tissue penetration. Moreover, the Patterson device likewise does not have an encapsulation element which is rotated about the specimen in order to encapsulate it. In as much as the cited reference fails to teach all of the claimed features, applicants submit that the reference cannot anticipate the present claims.

Response to Claim Rejections Under 35 U.S.C. §103

Claims 24 and 59 were rejected by the Examiner under 35 U.S.C. §103(a) as unpatentable over Patterson et al. (U.S. Pat. No. 5,941,869) as applied to claims 23 and 57 above, and further in view of Kieturakis (U.S. Pat. No. 5,794,626). However, Kieturakis does not make up for the deficiencies of Patterson et al., so the combination fails to teach all of the claimed features of the rejected claims.

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Response to Allowable Subject Matter

Applicant notes with appreciation the Examiner's indication that Claims 28 and 33 are directed to allowable subject matter. However, in view of the above amendments to the claims from which these claims depend, the independent claims are believed to be in allowable condition so there is no need to further limit claims 28 and 33 which depend from these claims.

Conclusions

Applicants believe that the pending claims are directed to patentable subject matter. Further consideration pursuant to the concurrently filed RCE and an early allowance of the pending claims are earnestly solicited.

Respectfully submitted,

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